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July 28, 2025

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Morris, et al v. Sugarman, et al
Docket No. 23-cv-09327

Dear Judge Failla:

As you know, this office represents the defendant in the above-captioned matter. This letter is written to request adjustment of the existing deadlines in this case as there have been significant new developments.

The first development is negative. My wife and I will be heading down to Florida to see her 95-year-old father on an urgent basis. He is experiencing significant health issues that need our attention. As a result, the two remaining depositions in this case will not be completed by the Court ordered deadline date of August 4, 2025. We are seeking to adjourn these depositions sine die because of some positive developments in this case.

Defendant has served separate Rule 68 Offers of Judgment on plaintiffs' counsel for each of the named plaintiffs. Plaintiffs' counsel has informed my office that three of the four named plaintiffs will be accepting the Rule 68 Offers of Judgment. It is my understanding that the acceptances will be filed within the next couple of days.

In addition, the parties have agreed to mediate the claims of the remaining plaintiff and to also mediate the issue of attorney fees. We have identified a mediator and intend to proceed with private mediation as soon as we receive some dates from the mediator.

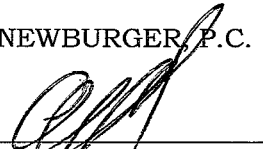
The parties are jointly requesting that this case be stayed pending the upcoming mediation. In addition, the parties are requesting that a revised schedule be set for the remaining depositions and the expert discovery in the event that the parties do not succeed in mediating all remaining issues.

The parties hope to supplement this correspondence with the date and time for the mediation, which we are now attempting to schedule.

Thank you for your consideration of this joint request.

Sincerely,

BARRON & NEWBURGER, P.C.


By: Arthur Sanders

as/ctw

The Court has reviewed the parties' joint letter. (Dkt. #88). In light of the parties' representations, the Court hereby STAYS this action pending the outcome of the private mediation.

The parties are hereby ORDERED to notify the Court promptly in a joint letter when the date of private mediation is set.

If mediation proves unsuccessful, the parties can propose a revised schedule for the remaining fact and expert discovery.

Lastly, the Court is sorry to hear about Mr. Sanders's father-in-law and wishes him the best.

The Clerk of Court is directed to terminate the pending motion at docket entry 88.

Dated: July 29, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE